



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

518-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name and Address

SOUTH TEXAS RADIOLOGY GROUP
PO BOX 29407
SAN ANTONIO, TX 78229-5907

Respondent Name

ACE AMERICAN INSURANCE CO

Carrier's Austin Representative Box

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MFDR Tracking Number

M4-12-2160-01

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "We originally sent our bills to Pyramid Life on the patient as this is what was provided at the time of service. It was not until 08/24/2011 that we received the correct insurance information. Per 28 TAC 133.20 we have 95 days to claim once we became aware of new insurance information if we have previously billed a Work Comp or Commercial Insurance...03/14/2011 We began billing Pyramid Life. 08/24/2011 After no response from Pyramid Life we finally received a phone call from Summer...Summer provided Workers Comp information.(SEE ATTACHMENT B) 09/02/2011 We billed Gallagher Bassett."

Amount in Dispute: \$172.78

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "In this matter, Requestor has not met the requirement of Texas Labor Code § 408.0272(b) to justify their submission of the medical bills in dispute past the 95-day deadline as required by § 408.027(a). Their documentation does not provide any substantial proof that they billed the Claimant's personal health insurance...Without any proof of billing, Requestor has failed to submit 'proof satisfactory to the commissioner that the provider, within the period prescribed by Section §408.027(a)' billed the Claimant's group health insurance. Further there is no proof of when they were notified of their alleged erroneous submission."

Response Submitted by: N/A

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
02/23/2011	73700-26	\$172.78	\$0.00
03/23/2011	73620-26		
05/25/2011	73700-26		

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §133.20 sets out the procedures for health care providers to submit workers' compensation medical bills for reimbursement.
3. 28 Texas Administrative Code §102.4 sets out the rules for Non-Commission Communications.
4. Texas Labor Code §408.027 sets out the rules for timely submission of a claim by a health care provider.
5. Texas Labor Code §408.0272 sets out the rules for certain exceptions for untimely submission of a claim by a health care provider.
6. The services in dispute were reduced/denied by the respondent with the following reason codes:

Explanation of benefits dated October 19, 2011

- 29-The time limit for filing has expired.
- BL- To avoid duplicate bill denial for all recon/adjustments/additional pymnt requests, submit a copy of this EOB or clear notation that a rec.
- Explanation of benefits dated November 11, 2011
- 29-The time limit for filing has expired
- BL- To avoid duplicate bill denial for all recon/adjustments/additional pymnt requests, submit a copy of this EOB or clear notation that a rec.

Explanation of benefits dated January 10, 2012

- 12- (125) Submission/billing error(s)
- BL-This bill is a reconsideration of a previously reviewed bill allowance amounts do not reflect previous payments

Issues

1. What is the timely filing deadline applicable to the medical bills for the services in dispute?
2. Did the requestor forfeit the right to reimbursement for the services in dispute?

Findings

1. 28 Texas Administrative Code §133.20(b) states, in pertinent part, that, except as provided in Texas Labor Code §408.0272, "a health care provider shall not submit a medical bill later than the 95th day after the date the services are provided." The requestor's states in their position statement that they began billing Pyramid Life on 3/14/2011. However, the requestor did not submit documentation to support that a bill submission to Pyramid Life was made within 95 days from the date the services were rendered in accordance with §408.0272(b)(1) . No documentation was found to support that any of the exceptions described in Texas Labor Code §408.0272 apply to the services in this dispute. For that reason, the requestor in this dispute was required to submit the medical bill not later than 95 days after the date the disputed services were provided.
2. Texas Labor Code §408.027(a) states, in pertinent part, that "Failure by the health care provider to timely submit a claim for payment constitutes a forfeiture of the provider's right to reimbursement for that claim for payment." 28 Texas Administrative Code §102.4(h) states that "Unless the great weight of evidence indicates otherwise, written communications shall be deemed to have been sent on: (1) the date received, if sent by fax, personal delivery, or electronic transmission or, (2) the date postmarked if sent by mail via United States Postal Service regular mail, or, if the postmark date is unavailable, the later of the signature date on the written communication or the date it was received minus five days. If the date received minus five days is a Sunday or legal holiday, the date deemed sent shall be the next previous day which is not a Sunday or legal holiday." Review of the submitted information finds no documentation to support that a medical bill was submitted within 95 days from the date the services were provided. Therefore, pursuant to Texas Labor Code §408.027(a), the requestor in this medical fee dispute has forfeited the right to reimbursement due to untimely submission of the medical bill for the services in dispute.

Conclusion

For the reasons stated above, the division finds that the requestor has not established that reimbursement is due. As a result, the amount ordered is \$0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

_____	_____	04/13/2012
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO REQUEST AN APPEAL

Either party to this medical fee dispute has a right to request an appeal. A request for hearing must be in writing and it must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party**.

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.